



NATIONAL VOTER REGISTRATION ACT & VOTER REGISTRATION AGENCIES

TRAINING FOR VOTER REGISTRATION
AGENCY STAFF

OVERVIEW OF TRAINING

- Part 1: National Voter Registration Act History/Overview
 - Part 2: Section 7 – Voter Registration Agencies
 - Part 3: Voter Registration



PART 1: NATIONAL VOTER REGISTRATION ACT (NVRA) HISTORY/OVERVIEW

NVRA HISTORY/OVERVIEW

- Also known as “NVRA” or the “Motor Voter Act”
- Signed in 1993 by President Clinton
- NVRA is a federal voter registration law intended to:
 - Provide increased opportunities for eligible citizens to register to vote
 - Increase voter participation
 - Ensure voter registries are accurate and up-to-date

NVRA HISTORY/OVERVIEW

- NVRA Section 5 – Motor Vehicle Agencies – Requires that applications for a driver’s license or non-driver ID card (including renewal and change of address requests) serve as voter registration applications except for applicants who affirmatively decline to register to vote.
- In South Dakota, DPS has a designated NVRA coordinator to coordinate compliance with section 5 by all driver’s license offices, including DPS offices and travel offices, as well as driver’s license issue sites operated by county or local governments.

NVRA HISTORY/OVERVIEW

- NVRA Section 7 – Voter Registration Agencies – Requires South Dakota to designate any government agency that provides public assistance; or administers State-funded programs primarily engaged in providing services to persons with disabilities, as a Voter Registration Agency (VRA). A VRA is an agency that must provide voter registration services.
- DSS designates an individual within the agency to serve as the Agency NVRA Coordinator and coordinate the agency's and local offices' compliance with the NVRA.

NVRA HISTORY/OVERVIEW

- The Department of Public Safety including (all driver's licensing offices, including non-DPS issue sites) are covered by Section 5 of the NVRA.
- The following government agencies and offices in South Dakota are VRAs covered by Section 7 of the NVRA:
 - Department of Social Services
 - **The Department of Labor and Regulation is required to offer voter registration in limited circumstances when applicants complete the pre-application (DSS 201) for TANF services. Oversight for this limited service is provided by the Department of Social Services.*
 - Department of Health
 - Department of Human Services

TERMS AND DEFINITIONS

Covered Transaction – those transactions that include applications, renewals and change of address requests

Covered Employee - any employee of SOS or an Agency, or any employee of another agency or office that conducts Covered Transactions

NVRA – National Voter Registration Act

VRA – Any office that provides either public assistance or state-funded programs primarily engaged in providing services to persons with disabilities must offer voter-registration services. “Public Assistance” offices that must offer voter-registration services include each agency and office that administers or provides services or assistance under any public assistance programs.

TERMS AND DEFINITIONS

Voter Preference Question: If you are not registered to vote where you live now, would you like to apply to register to vote here today?

Voter Preference Form:

South Dakota Secretary of State
Voter Registration Instructions and Declination Form

If you are not registered to vote where you live now, would you like to apply to register to vote here today?
(You are not eligible to register to vote if you are not a U.S. citizen or if you are not at least 18 years of age.)

Please respond by checking **ONE** of the three numbered boxes below:

- I am already registered at my current address.**
NOTE: If you are registered to vote where you live now and you have not changed your address, it is not necessary for you to register to vote again.
- Yes, I would like to apply to register to vote OR update my existing voter registration.**
(The identity of the agency where you are submitting this application is confidential and will only be used for voter registration purposes.)
To register to vote, please print legibly and complete the entire voter registration form. If you are currently registered to vote at a different address, please also fill out the previous voter registration information at the bottom of the form.
If you would like help completing the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may complete the form in private, or outside of this office. If you need help with completing the form outside of this office, please contact the Secretary of State's Election Services at (605) 773-3537.
 I would like help with the voter registration application form.
 I do not need help with the voter registration application form.
- No, I would not like to apply to register to vote today.**
(The fact that you have declined to register to vote is confidential and will only be used for voter registration purposes.)

If you do not check any of the three boxes above, you will be considered to have decided not to register to vote at this time.

NVRA HISTORY/OVERVIEW

- Under Section 7, VRAs must offer voter registration services whenever clients engage in any of the following covered transactions:
 - Apply for assistance or services for the first time
 - Renew or recertify their assistance or services
 - Change their address with the agency
- During each of these types of covered transactions, the VRA must provide the client the Voter Preference Question as either part of the benefits application form or as a separate form called the Voter Preference Form.
- If a VRA allows clients to engage in one of the activities listed above remotely (by phone, mail, email, or online), the VRA must offer voter registration services remotely.

NVRA HISTORY/OVERVIEW

- VRAs must provide all clients who wish to register to vote during a covered transaction with the opportunity to do so. Section 7 requires that during every covered transaction, the VRA employee interacting with the client must:
 - Present the Voter Preference Question to the client.
 - The Voter Preference Question is part of most public assistance benefits application and renewal forms.
 - For certain programs where the question is not part of the benefits application/renewal form itself, a separate form containing the Voter Preference Question (called a Voter Preference Form) must be provided to the client at the same time as the application/renewal form.

NVRA HISTORY/OVERVIEW

- VRAs must provide all clients who wish to register to vote during a covered transaction with the opportunity to do so. Section 7 requires that during every covered transaction, the VRA employee interacting with the client must (continued):
 - If the applicant answers “Yes” to the Voter Preference Question, or leaves the form blank, provide a Voter Registration Form to the Applicant, and accept the completed application
 - Provide a Voter Registration Form and Voter Registration Instructions to every applicant who answers “Yes” to the Voter Preference Question or leaves the Voter Preference Question blank.
 - Provide the same level of assistance to applicants in completing the Voter Preference Question and voter registration application that would also be provided to them while completing the agency’s other forms, unless the applicant specifically refuses such assistance
 - Accept completed voter registration applications

NVRA HISTORY/OVERVIEW

- VRAs must provide their clients with the opportunity to register to vote by offering voter registration services, which include: *(CONT.)*
 - Reviewing completed voter registration application to ensure they contain all required information and are signed by the applicant.
 - Promptly sending completed voter registration application to the appropriate County Auditor for processing within specified timeframes, as described on the next slide.
 - When assisting applicants in registering to vote in person you must inform the applicant that the form needs to be completed in full for their registration to count
 - If you receive an application in the mail, **DO NOT** change or add any information that you think is important to the voter registration form, you **MUST** send the form as is to the County Auditor, except in extreme circumstances, i.e. they only put their first name

FORMS

- All DSS Economic Assistance application and renewal forms ask the Voter Preference Question. This includes hard copy and online forms.
- The DSS-EA214 (six-month report form) includes the Voter Preference Question

TIMEFRAMES

- NVRA Requirement: Staff must mail completed Voter Registration Applications to the county auditor within 10 days, or within 5 days if the agency receives the form within five days of the last day to register to vote in an election.
- DSS/DLR policy: Mail all Voter Registration Applications to the county Auditor **DAILY** to avoid missing any deadlines.
- Voter Registration Applications must be date stamped upon receipt in the DSS/DLR office.
- DSS/DLR must record the date each applicant's completed Voter Registration Application was transmitted to the county auditor, the county auditor to which it was sent and the method of delivery (first-class mail or hand delivered).
- NOTE: An original signature is required by the county auditor – they cannot accept Voter Registration Applications digitally (email, fax, etc). You must send the original with original signature to the auditor.
- A list of the county auditors can be found here: <https://vip.sdsos.gov/CountyAuditors.aspx>

NVRA HISTORY/OVERVIEW

- Voter registration services must be provided in a non-partisan manner that does not improperly influence applicants. While offering voter registration services, employees **MUST NOT**:
 - Attempt to persuade an applicant to join or not join a particular political party
 - Display any political preference or party allegiance
 - Say or do anything that would, or might, discourage an applicant from registering to vote
 - Say or do anything that would, or might, lead an applicant to believe that registering or not registering to vote will affect their ability to receive services or benefits
- *If customers ask if they are eligible to register to vote, advise them DSS/DLR does not make that determination. The county auditor will determine if they are eligible to register to vote when the Voter Registration Application is received. Customers may be referred to the South Dakota Secretary of State website for information regarding eligibility to vote.*



PART 2: SECTION 7 – VOTER REGISTRATION AGENCIES

SECTION 7 – VOTER REGISTRATION AGENCIES

Section 7 of the NVRA requires states to provide the opportunity to register to vote when submitting public assistance applications, recertifications, renewals, or changes of address.

This applies to the following programs:

- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance for Needy Families (TANF)
- Medical Assistance Programs
- Low Income Energy Assistance (LIEAP)
- Child Care Assistance (CCA)

SECTION 7 – VOTER REGISTRATION AGENCIES

- In addition to public assistance agencies, VRAs covered by Section 7 include all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, including offices providing vocational rehabilitation, transportation, job training, education counseling, rehabilitation, or independent-living services for persons with disabilities.
- The NVRA provides that all federal Armed Forces recruitment offices in each State must provide voter registration services. Within the Department of Defense, the Federal Voting Assistance Program (FVAP) maintains a website that contains information concerning voter registration at Armed Forces recruitment offices.

SOUTH DAKOTA ELIGIBILITY

To register to vote in South Dakota, you must:

- ❖ Be a United States citizen (South Dakota Constitution, Article VII, Section 2)
- ❖ Reside in South Dakota
- ❖ Be at least 18 years old on or before the next election
- ❖ Not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system
 - ❖ If an applicant is worried about their felon status, still encourage them to register to vote, the County Auditor will determine whether or not they qualify
 - ❖ For more information regarding individuals with a felony conviction please see:
<https://sdsos.gov/elections-voting/voting/register-to-vote/felony-convictions.aspx>
- ❖ Not be judged mentally incompetent by a court of law

DSS/DLR CUSTOMER ASSISTANCE

DSS/DLR will help an individual complete the Voter Registration Application. You must provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance. (52 U.S.C. § 20506(a)(6)(C))

DSS is prohibited from:

- 1) seeking to influence an applicant's political preference or party registration;
 - 2) displaying any political preference or party allegiance;
 - 3) taking any action or making any statement to an applicant to discourage the applicant from registering to vote; or
- *If customers ask if they are eligible to register to vote, advise them DSS/DLR does not make that determination. The county auditor will determine if they are eligible to register to vote when the Voter Registration Application is received. Customers may be referred to the South Dakota Secretary of State website for information regarding eligibility to vote.*
- 4) taking any action or making any statement that may lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits

CUSTOMER CONTACT

DSS/DLR must provide a South Dakota Voter Registration Application to all individuals who answer YES to the Voter Preference Question, AND to those who leave the question blank.

-If they are registered to vote and they mark that they want to register to vote, you can help change it to no if they do not have any updates. Also, if they mark yes but then decide they don't want to register to vote, have them initial their changes.

However, it does not hurt the applicant if they want to reregister to vote.

When an interview is required, or when a specialist is speaking with an applicant, review the Voter Preference Question.

- ❖ During the interview, if the Voter Preference Question is not answered, ask the applicant if they would like to register to vote today, and complete the question as answered.
- ❖ Customers applying, recertifying or changing their address in-person will be provided the Voter Registration Application DURING the interview if they have answered the Voter Preference Question yes, or have left it blank.

CUSTOMER CONTACT

When an interview is not being completed, and the Voter Preference Question is answered YES or LEFT BLANK, promptly send the South Dakota Voter Registration Application to the individual, notify the individual that they may seek assistance in completing the voter registration application from and DSS office, and document in the narrative.

-Note: contact the applicant how you normally would contact them, (email, phone, mail) it might be different depending on the applicant.

You must provide the same level of assistance with the voter registration application that you provide with other forms and applications.

- DSS/DLR staff should offer assistance and answer questions about the forms.
- A DSS/DLR employee CANNOT write on a Voter Registration Application.
- When a customer completes the voter registration in the office, show them incomplete areas on the form, but do NOT complete or write on the form for them.
- When a completed form is dropped off or received in the office via mail, the form will be sent to the County Auditor as it was received. The Auditor will inform the customer if there are missing or incomplete items.

NARRATIVE

Voter Registration information must be documented in the narrative for every application and recertification/renewal or when a customer requests assistance outside of the application or renewal timeframes.

Benefits Specialists will document this information application narrative (Other Services and Referrals section is recommended).

Employment Specialists will document the Voter Registration information in the FICA narrative.

Examples:

Voter Registration – Jo Smith declined to register to vote.

Voter Registration – Jo Smith did not answer the Voter Preference Question – Voter Registration Application form mailed to Jo today.

Voter Registration – Jo Smith would like to register to vote – Voter Registration Application form mailed to Jo today.

ACCESS ENTRY

- When the customer indicates they do not want to register to vote, the EABS will update the STAT panel with an “N”.
 - The stat panel only gets updated at application, renewal, and six months
- If they answered YES, enter a “Y” on the STAT Panel.
- If they leave the question blank, enter an “X” on the STAT panel
 - Medical Applications should also be coded as “X” and then sent a voter registration form

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07/15/20 08:31                STAT HEADER (STAT.00)                ASPACAD 01
                                WEB ID:

VERIF STATUS  ** 6MO REPORT **  DISASTER  IN  IN APPL  IN
TANF SNP MED  TANF SNP      DUE  STATE     PGM                SUSPEND
Y              NA

VOTER  INTRVW  MIGRANT  TRIBAL TANF  **** MEDICAL ****
REG    IND     CODE     ELIG  CLO DATE  SPEC ACT  RESD CD
N

***** REPORTED *****
SOURCE  TANF PAR  SPEC ACTION  RESD CD  SNP RES
        EXCEPTION TANF    SNP      TANF SNP  VER      SQUATTER  RPT PRD

***** BUDGETED *****
        TANF PAR  SPEC ACTION  RESD CD  SNP RES
        EXCEPTION TANF    SNP      TANF SNP  VER      SQUATTER
    
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ADDRESS CHANGES

- When an individual's address is updated on ACCESS, State Office will mail a Voter Registration Application to the individual at the updated address, with a notification that the individual may seek assistance in completing the voter registration application at any DSS office.
- Example: When an EABS updates a recipient's address on Tuesday, a letter with a Voter Registration Application is mailed from State Office on Wednesday.
- When a customer **requests an address change by telephone**, the employee who speaks with the Applicant shall inform them that they will receive a Voter Registration Application by mail and may seek assistance in completing the Voter Registration Application at any local DSS office.

ADDRESS CHANGES

- When a customer **requests an address change by email**, DSS will promptly email a confirmation notice to them with notification that DSS will mail them a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS office.
- When a customer **requests an address change submitted online**, DSS will promptly notify them by email, text message, or other electronic means that DSS will mail them a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS office.

SECTION 7 – VOTER REGISTRATION AGENCIES

- Under South Dakota Codified Law 12-4-6.1, the effective date of a voter registration application is the date it is received by the county auditor from a VRA, *except* for voter registration applications submitted to an agency within five days following any voter registration deadline.
 - For applications submitted to an agency within five days following any voter registration deadline, the effective date of the application is the date the individual signed and dated the application at the agency (*not* the date the agency mailed it, the postmark date of the transmission, or the date received by the county auditor).
- To ensure that all voter registration applications are correctly processed, DSS and DLR covered employees must:
 - Review voter registration applications completed at DSS or DLR offices to ensure they contain all required information, including the applicant's signature and date signed;
 - Record the date each completed voter registration application is transmitted to the appropriate county auditor's office;
 - Record the specific county auditor's office to which the application was sent, as well as the method of delivery used (e.g., first-class mail, hand-delivery, FedEx)



PART 3: VOTER REGISTRATION INFORMATION

VOTER REGISTRATION INFORMATION

- First and Last name
- Residence address IN SOUTH DAKOTA – if no physical residence address (i.e. homeless) is available, applicants need to provide a description (ex. ½ mi. north of intersection of Main Street & 10th Avenue)
 - The mailing address may be out of state or a P.O. Box
 - Please let applicants know that a P.O. Box address **cannot** be listed as their physical address

VOTER REGISTRATION INFORMATION

- South Dakota Driver's License (or Nondriver ID) number
 - Last four digits of Social Security Number may be used only if applicant does not have a South Dakota Driver's License
- Date of Birth
- Choice of Party
 - We encourage applicants to complete this section, however, if left blank, the applicant will be listed with a No Party Affiliation (NPA). If the voter is currently registered and leaves blank, they will remain registered with their choice of party on their current voter registration.
- Signature

VOTER REGISTRATION INFORMATION

- Recognized political parties in South Dakota
 - Democrat (DEM)
 - Libertarian (LIB)
 - Republican (REP)
 - No Labels
- Examples of unofficial political parties in South Dakota
 - Americans Elect
 - Conservative
 - Constitutional
 - Liberal
 - Green Party
 - Tea Party
 - Any other political party name
 - Independent*

VOTER REGISTRATION INFORMATION

- *Independent (IND)/No Party Affiliation (NPA)
 - South Dakota Codified Law 12-1-3 (22) defines "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter who writes independent, I, Ind, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the choice of party field on the voter registration form and any individual who is not currently registered to vote who leaves the choice of party field blank on the voter registration form.

VOTER REGISTRATION INFORMATION

- Monthly voter registration numbers may be found on our website here: <https://sdsos.gov/elections-voting/NVRA/monthly-activity.aspx>.

COURSE CREDIT

Be sure to complete the following form to confirm that you have received the training.

- <https://forms.office.com/g/PQpNvyL1fS>

NVRA COORDINATORS

Statewide NVRA Coordinator

- The responsibilities of the Statewide NVRA Coordinator include but are not limited to:
 - Providing support and guidance to all agencies with regard to NVRA compliance
 - Serving as a liaison between state agencies and county officials
 - Coordinating and monitoring each agency's NVRA compliance including collecting and reviewing voter registration data, investigating and responding to complaints from the public of suspected noncompliance by an agency, and establishing corrective action plans when noncompliance is discovered
 - Responding to inquiries from agencies and county auditors

Statewide NVRA Coordinator
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NVRA COORDINATORS

DSS NVRA Coordinator

- The responsibilities of the DSS NVRA Coordinator include but are not limited to:
 - Providing support and guidance (including technical expertise) to all of DSS's and DLR's covered employees, regional offices, and local offices regarding compliance with Section 7, State voter registration law and regulations, and related voter registration requirements, procedures, and materials; and
 - Monitoring NVRA compliance by local DSS offices and DLR offices where individuals can complete the pre-application for TANF benefits.

DSS/DLR NVRA Coordinator

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QUESTIONS?
